

REMARKS

Reconsideration of the above-identified case is respectfully requested in view of the following remarks.

Claims 7, 10, and 13 are cancelled from the Application.

Claims 1, 5, and 12 are hereby amended in the Application.

Claims 1-9, 11-12, and 14-16 are pending in the Application.

I. Drawings

The Office Action objected to the drawings for not showing every feature of the claimed subject matter.

Applicant amended Claim 1, FIG 2, FIG 3, and the Specification as Filed to reflect more clearly the “bases” in Claim 1. The “base” that is part of the substantially stiff upper clamp and engages two arms is shown in FIG 2 and FIG 3 as reference numeral 52. The “base”, now recited as “a spring base”, associated with the spring is shown in FIG 2 and FIG 3 as reference numeral 50. Paragraph [00032] and Paragraph [00036] have been amended accordingly.

Applicant amended Claim 5 to recite more clearly that the “left and right clamps” are the “lower and upper clamps” shown as reference numerals 2 and 3, respectively, in FIG 1 and FIG 2.

The “rigid mechanical connection” is reference numeral 40 depicted in FIG 2 per Paragraph [00034] of the Specification as Filed. The “flexible hinge” is not depicted in the figures, but is merely an alternative embodiment to the “rigid mechanical connection” depicted in FIG 2. Applicant believes that the manner of substituting a “flexible hinge” for a “rigid mechanical connection” as described in the Paragraph [00034] of the Specification as Filed is known in the art.

Applicant amended Claim 12 to remove “the cover has teeth” from the recitation.

Applicant cancelled Claim 13 from the Application.

Applicant believes that the manner of placing indicia as described in the Paragraph [00036] of the Specification as Filed is known in the art. Any amendment to the figures would include indicia placed on the surface of the base or the soft outer clamp of the apparatus. Applicant believes that a description is suffice as to not clutter the figures.

Applicant believes no new matter has been added with these amendments. Applicant includes Replacement FIG 2 and FIG 3 with this Response as Attachment A in compliance with 37 CFR 1.121(d). Reconsideration of the objections to the claims is respectfully requested.

II. Specification

The Office Action objected to the Specification as Filed for various informalities.

Applicant has amended Paragraph [00031], Paragraph [00032], Paragraph [00033], and Paragraph [00035] of the Specification as Filed to recite clearly that reference numeral 30 designates “the soft outer clamp” in Claim 1.

As discussed in a previous paragraph in these remarks, Applicant amended Claim 1, FIG 2, FIG 3, and the Specification as Filed to reflect more clearly the base and spring base in Claim 1.

Applicant amended the Specification as Filed to recite more clearly an enabling disclosure as requested by the Office Action.

Applicant believes no new matter has been added with these amendments. Reconsideration of the objections to the Specification as Filed is respectfully requested.

III. Claim Objections

The Office Action objected to the Claim 1 and Claim 10 for various informalities.

Applicant hereby cancelled Claim 10 from the claims.

Applicant amended Claim 1 per the Examiner's recommendation to recite more clearly that the inner and outer arms are of the two engaging arms.

Applicant believes no new matter has been added with these amendments. Reconsideration of the objections to the claims is respectfully requested.

IV. Claim Rejections – 35 USC 112

The Office Action rejected Claims 4 and 8 under 35 USC 112, first paragraph, as failing to comply with the enablement requirement.

As discussed in a previous paragraph in these remarks, Applicant amended the Specification as Filed to recite more clearly an enabling disclosure as requested by the Office Action. Applicant believes that the amended paragraph includes information to enable one skilled in the art to make and/or use the claimed subject matter.

The Office Action rejected Claims 1-16 under 35 USC 112, second paragraph, as being indefinite to point out particularly and claim distinctly the claimed subject matter.

Applicant has amended Claims 1, 5, and 12 to overcome the 35 USC 112, second paragraph, rejection. Applicant believes no new matter has been added with these amendments. Reconsideration of the rejection to the claims is respectfully requested.

IV. Claim Rejections – 35 USC 101

The Office Action rejected Claims 1-16 under 35 USC 101 because the claimed subject matter was directed to non-statutory subject matter.

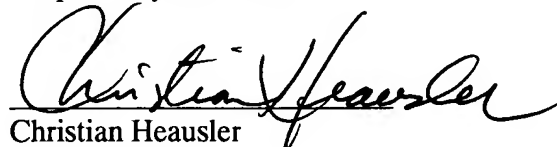
Applicant amended Claim 1 to recite "wherein an inner arm of the two engaging

arms slides inside the crown on one side for resting alongside the head of the user". Applicant believes the amendment corrects the clerical error and recites statutory subject matter. Applicant cancelled Claim 7 from the Application.

Applicant believes no new matter has been added with these amendments. Reconsideration of the rejection to the claims is respectfully requested.

5/19/05
Date

Respectfully submitted,


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Enclosures: Attachment A – Replacement Figures

AMENDMENTS TO THE DRAWINGS

Please amend the Application to include the amended FIG 2 and FIG 3. Replacement figures have been included with this Response as Attachment A. A description of the amendments has been included in the remark section of this Response.

Applicant believes no new matter has been added with these amendments.